

Amendments to the Specification

To the entire specification, please add line numbers.

To the entire specification, please add page numbers.

To the entire specification, please remove all bold type.

To the entire specification, please double space all lines.

On page 1, line 5 to page 2, line 5, please delete the entire text and add the following:

BOTANICAL DESIGNATION

Malus sylvestris

BACKGROUND OF THE INVENTION

A new and distinct variety of apple tree originating as a mutation of the *Malus sylvestris* variety of 'Arends' (United States Plant Patent Number 2,800), hereinafter referred to as the 'PV 1027'. The new variety was found in a cultivated area where clones of 'Arends' (United States Plant Patent Number 2,800) had been planted exclusively. The claimed plant is a budded scion of 'Arends' (United States Plant Patent Number 2,800) that developed with different characteristics than 'Arends' (United States Plant Patent Number 2,800). This new sport is unique from its parent because it ripens 7 to 9 days earlier and is significantly larger with a more reniform shape. The skin of the new variety is also considerably shinier than the parent.

BRIEF SUMMARY OF THE INVENTION

This new and distinctive strain of apple tree produces a fruit with solid red color covering 90% of the fruit surface, compared to 40 to 50% of the parent, 'Arends' (United States Plant Patent Number 2,800). This new variety also ripens 7 to 9 days earlier than the parent and has a larger more reniform shape with a shinier finish. This new variety of apple tree was discovered in a cultivated area in 1997 in Rogers Ohio. In 1998, buds were taken from the original tree and propagated by chip budding into 50 trees. These trees were produced in Brentwood, CA.

This new cultivar has been reproduced by chip budding on Malling 9-337 and Malling 9 NIC 29 rootstocks and remains true to the description herein contained.

The new variety has not been grown on its own root.

On page 2, line 11, please add:

FIG. 2 illustrates the blossom of the new variety.

FIG. 3 illustrates a 2-year-old tree of the new variety.

On page 2, line 14, please change BOTANICAL DESCRIPTION OF THE PLANT to DETAILED BOTANICAL DESCRIPTION.

On page 2, line 18, please delete: Classification: PLT/165.

On page 2 , line 21, please delete: whole tree

On page 2, line 22, please delete: Peace Valley Orchards

On page 2, line 23, please add: Age of the observed tree is 5 years. The observed tree is budded on M9 NIC 29 rootstock.

On page 2, line 23, after "USA.", please add: This location is a USDA Zone 6 site at an elevation of 620 feet above sea level. The average date of last frost is April 15 with an average first freeze of October 15. Average yearly rainfall is 35 inches.

On page 2, line 26, please change "12" to 3.2 M and "9 feet" to 2M.

On page 3, line 23, please add:

Dormant Leaf buds:

Size: length 4 cm, width 2 cm.

Shape: bluntly lanceolate.

Color: Grayed Purple 187A.

On page 4, line 11, please change "14C" to 147C.

On page 4, line 16, after "small", please insert: lanceolate, apex rounded, margin finely crenate,

On page 4, line 23, please insert:

Flower Buds at Popcorn Stage:

Pedicel: Length: 13 to 18mm, diameter 2mm.

Pedicel color: Green 146 C.

Bud: Length 9mm, width 7mm.

Bud color: Red 56 D blush with background of White 155 D.

On page 5, line 6, please add: No known incompatibilities have been discovered.

On page 5, please delete lines 8 through 10 and insert:

Corolla diameter: 24 to 32mm.

Stamens: 20 to 25 in number, color White 155 D.

Anther color: Yellow 14 B.

Pollen: Profuse.

Ovary: Pubescent, color Grayed Green 193 A.

Pistil: Slightly lower than anthers in a majority of blossoms.

Sepals: 5 in number, length 4mm, width 2mm, pubescent, color Grayed Green 193 A.

Petals: 5 in number, length 11mm, width 6mm, slightly overlapping.

Petal Shape: Ovate, base rounded to cuneate at junction with receptacle, apex rounded, margin very slightly ruffled,

Petal color: Adaxial: White 155 D.

Abaxial: White 155 D.

Petal texture: Soft.

On page 5, line 12, after: "firm ripe", please insert: Penetrometer readings average 19 pounds at harvest and 17 pounds one month later. Average brix at harvest: 12 to 15%.

On page 7, line 11, after "Fair", please insert: not intended for long distance shipping. Local shipping quality is fair to good.

On page 8, line 1, please add: A SINGLE, before "CLAIM".

On page 8, line 3, please change "Malus sylvestris" to: *Malus sylvestris*,.

On page 8, line 7, after "shape", please delete the period and add: and a shinier finish.

On page 9, line 1, after "ABSTRACT", please add OF THE DISCLOSURE

On page 9, line 2, please delete "whole tree".

On page 9, line 3, please change "Malus sylvestrus" to *Malus Sylvestris*.

On page 9, line 5, please delete the period and add: with a shinier finish.

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The previously mentioned changes have been amended to correct minor descriptive or editorial problems.

A revised copy of the entire application is attached for your convenience.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.